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EXAMINER

CHANDLER, SARA M

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/045,632

Applicant(s)

MILBERGER ET AL.

Examiner

Sara Chandler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/23/06;
04/15/05, 10/07/03, 04/14/03, 03/26/02.

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DETAILED ACTION***Information Disclosure Statement***

The information disclosure statement filed 01/23/06 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Due to the voluminous nature of the IDS submissions, only a cursory review was given.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 1-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10,046,654. Although the conflicting claims are not identical, they are not patentably distinct from each other because both are drawn to transferring credit utilizing a server computer system from a wide-area computer network and handlers.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10,045,633. Although the conflicting claims are not identical, they are not patentably distinct from each other because both are drawn to transferring credit utilizing a server computer system from a wide-area computer network and handlers.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

Claims 9, 20 and 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

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MPEP 608.01(n), Section III provides the "Infringement Test" to determine if a claim is a proper dependent claim: The MPEP states:

The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim.

Dependent claims 9,20 and 23:

Re Claim 9: A computer-readable medium having computer-executable instructions for performing the computer-implementable method for transferring the credit amount out of the online system using the money order of claim 1.

Re Claims 20 and 23: A computer-readable medium having computer-executable instructions for performing the computer-implementable method for transferring the credit amount out of the online system using the payment instrument of claims 10 and 21, respectively.

Applying the infringement test, what is needed to infringe claims 9,20 and 23, for example is a computer-readable medium having computer-executable instructions for performing the computer-implementable method. However, the computer-readable medium having computer-executable instructions of claims 9,20 and 23, respectively, would **not** infringe the method steps of claims 1,10 and 21, respectively, since the computer-readable medium having computer-executable instructions itself never performs any of the active steps of receiving, determining, transferring, sending etc. In other words, mere possession of such a computer-readable medium having computer-executable instructions would infringe claims 9,20 and 23, respectively, but this is not enough to infringe claims 1,10 and 21, respectively. As a result, claims 9,20 and 23 are improper dependent claims.

Claims 1,10,12,14,15,18 and 21 appear to be Markush claims. "A markush group must be definite and complete as to its membership....." (See, e.g. *Ex Parte Morrell*, 100 USPQ 317 (BdPatApp&Int 1954) at 319). The use of "including" makes the claims open and indefinite. "Including" must be replaced with --consisting of--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-14 and 16-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Doggett, US Pat. No. 5,677,955.

Re Claims 10 and 20: Doggett discloses a method/computer-readable medium having computer-executable instructions for transferring a credit amount out of an online system using a payment instrument, the method comprising:

receiving pay-out instructions at a server computer system from a wide- area computer network coupled to a payor, wherein the pay-out instructions include at least two of a payee, a delivery location, and the credit amount (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13)

The phrase "at least two of" is interpreted as any combination of two or more of the group but, not necessarily all members of the group. See MPEP § 2111.;

determining a first handler associated with the payor (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

transferring the credit amount from the first handler to the online system (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

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creating a temporary stored value fund for one of the payor and the payee if a stored value fund does not exist for the one (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

storing the credit amount in the temporary stored value fund (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

determining a second handler for preparation of the payment instrument according to the pay-out instructions (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

sending the pay-out instructions to the second handler (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); and

transferring the credit amount from the temporary stored value fund to the second handler (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 11: Doggett discloses the claimed method supra and Doggett further discloses, wherein the payment instrument is chosen from the group consisting of: a money order, a cashiers check, a tellers check, a certified check, a gift certificate, and a coupon (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31;

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col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 12: Doggett discloses the claimed method supra and Doggett discloses a method further comprising a step of

electronically notifying at least one of the payor and payee of the payment instrument, wherein the electronic notification includes at least one of a web page, an instant message, an e-mail message, a pager message, and a wireless phone message

(Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13). The phrase "at least one of" is interpreted as any member of the group but, not necessarily a plurality or all members of the group. See MPEP § 2111.

Re Claim 13: Doggett discloses the claimed method supra and Doggett discloses,

wherein the server computer system comprises a plurality of computers coupled

together by a computer network (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 14: Doggett discloses the claimed method supra and Doggett discloses,

wherein the first handler includes at least one of a bank, a credit card company, a debit card company, an agent location, a stored value fund, and an airline mileage

program (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col.

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18, line 13). The phrase "at least one of" is interpreted as any member of the group but, not necessarily a plurality or all members of the group. See MPEP § 2111.

Re Claim 16: Doggett discloses the claimed method supra and Doggett discloses, wherein the credit amount corresponds to at least one of: currency, monetary value, airline mileage, promotional program points, gift certificate credit, and commodities (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13). The phrase "at least one of" is interpreted as any member of the group but, not necessarily a plurality or all members of the group. See MPEP § 2111.

Re Claim 17: Doggett discloses the claimed method supra and Doggett discloses a method further comprising steps of:

retrieving a trigger condition that initiates the second-listed transferring step (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); and determining when the trigger condition is satisfied (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 18: Doggett discloses the claimed method supra and Doggett discloses, wherein the trigger condition includes at least one of: a credit balance in the stored value fund meeting a threshold; and a period of time expiring (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13). The phrase "at least

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one of" is interpreted as any member of the group but, not necessarily a plurality or all members of the group. See MPEP § 2111.

Re Claim 19: Doggett discloses the claimed method supra and Doggett discloses, wherein the payor, the first handler, the second handler and the payee are remotely located with respect to each other (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claims 21 and 23: Doggett discloses a method for transferring a credit amount out of an online system using a payment instrument, the method comprising: receiving pay-out instructions at a server computer system from a wide-area computer network coupled to a payor, wherein the pay-out instructions include at least two of a payee, a delivery location, and the credit amount (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); determining a first handler associated with the payor (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); transferring the credit amount from the first handler to the online system (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); storing the credit amount in a stored value fund associated with one of the payor and payee (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31;

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col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

determining a second handler for preparation of the payment instrument according to the pay-out instructions (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

sending the pay-out instructions to the second handler (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); and

transferring the credit amount from the stored value fund to the second handler (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 22: Doggett discloses the claimed method supra and Doggett discloses, wherein the payment instrument is chosen from the group consisting of: a money order, a cashiers check, a tellers check, a certified check, a gift certificate, and a coupon (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Doggett, US Pat. No. 5,677,955 in view of Bator, US Pat. No. 6,575,362.

Re Claims 1 and 9. Doggett discloses a method/computer-readable medium having computer-executable instructions comprising:

receiving pay-out instructions at a server computer system from a wide-area computer network coupled to a payor, wherein the pay-out instructions include at least two of a payee, a delivery location, and the credit amount (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13)

The phrase "at least two of" is interpreted as any combination of two or more of the group but, not necessarily all members of the group. See MPEP § 2111.;

determining a first handler associated with the payor (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

transferring the credit amount from the first handler to the online system (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13);

determining a second handler for preparation of a payment instrument according to the pay-out instructions (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ -

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col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); and

sending the pay-out instructions to the second handler (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Doggett fails to explicitly disclose wherein the payment instrument is a money order.

Bator discloses wherein the payment instrument is a money order (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Doggett by adopting the teachings of Bator to provide a method for transferring a credit amount out of an online system using a money order, the method comprising: receiving pay-out instructions at a server computer system from a wide-area computer network coupled to a payor, wherein the pay-out instructions include at least two of a payee, a delivery location, and the credit amount; determining a first handler associated with the payor; transferring the credit amount from the first handler to the online system; determining a second handler for preparation of the money order according to the pay-out instructions; and sending the pay-out instructions to the second handler.

As suggested by Doggett one would have been motivated to provide substitutes for checks that were safer and posed less of a security risk.

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Re Claim 2: Doggett in view of Bator discloses the claimed method supra and Doggett further discloses wherein the delivery location is chosen from a group consisting of an agent location and an address of the payee (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 3: Doggett in view of Bator discloses the claimed method supra and Bator discloses a method further comprising steps of:

receiving the pay-out instructions at the second handier (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30);

printing the money order according to the pay-out instructions (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30); and

sending the money order to the delivery location (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30).

Re Claim 4: Doggett in view of Bator discloses the claimed method supra and Bator discloses a method further comprising steps of:

receiving the pay-out instructions at the second handler (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30);

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printing the money order according to the pay-out instructions (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30); and

holding the money order at the second handler for pick-up by the payee (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30).

Re Claim 5: Doggett in view of Bator discloses the claimed method supra and Doggett discloses a method further comprising a step of storing the credit amount in a stored value fund associated with one of the payor and the payee (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 6: Doggett in view of Bator discloses the claimed method supra and Bator further discloses, wherein the second handler is an agent location capable of printing money orders (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30).

The phrase "capable of printing money orders" is interpreted as having the ability to print money orders but, not necessarily doing so. See MPEP § 2111

Re Claim 7: Doggett in view of Bator discloses the claimed method supra and Doggett discloses a method further comprising steps of:

creating a temporary stored value fund for the payee (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); and

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storing the credit amount in the stored value fund (Doggett, abstract, Figs.

1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Re Claim 8: Doggett in view of Bator discloses the claimed method supra and Doggett discloses a method further comprising steps of:

storing the credit amount in a first stored value fund associated with the payor (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13); and transferring the credit amount from the first stored value fund to a second stored value fund associated with the payee (Doggett, abstract, Figs. 1,2,3,6,11,12,13,14,15; col. 1, lines 1+ - col. 4, line 31; col. 5, line 10+ - col. 6, line 20; col. 7, line 13+ - col. 10, line 57; col. 16, line 42+ - col. 18, line 13).

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett as applied to claims 10 above and further in view of Bator, US Pat. No. 6,575,362.

Re Claim 15: Doggett discloses the claimed method supra. Doggett fails to explicitly disclose wherein the second handler includes at least one of a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer. Bator discloses, wherein the second handler includes at least one of a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer (Bator, abstract, col. 1, line 1+ - col. 3, line 50; col. 4, line 44+ - col. 5, line 18; col. 10, line 10+ - col. 8, line 30; col. 9, line 41 - col. 10, line 30). The phrase "at least one of" is interpreted as any member of the group but,

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not necessarily a plurality or all members of the group. See MPEP § 2111. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Doggett by adopting the teachings of Bator to provide wherein the second handler includes at least one of a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer.

As suggested by Doggett one would have been motivated to provide substitutes for checks that were safer and posed less of a security risk.

Conclusion

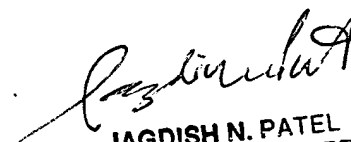
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SMC


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